REMARKS

Claims 1-30 are all the claims presently pending in the application. Claims 1, 5-6, and 11-13 are amended to more clearly define the invention and claims 31-36 are canceled. Claims 1, 5-6, and 11-13 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 1-7, 9-26, 29, and 31-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Logan, et al. (U.S. Patent No. 5,892,536). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan and further in view of Menard, et al., (U.S. Patent No. 6,061,056). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan and further in view of Fernandez (U.S. Patent No. 6,697,103). Claims 27-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan and further in view of Birdwell, et al. (U.S. Patent No. 6,108,706).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to an announcement system that includes a receiver section that receives one or more announcements. Each of the one or more announcements corresponds to a content being provided on one or more content streams. Each of the one or more announcements includes a description about the corresponding content in the one or more of the content streams, a time at which the corresponding content is transmitted on the signal, and a content identifier. Each of the one or more announcements was created by a party other than a broadcaster of the one or more content streams. The announcement system also includes a controller that compares the one or more announcements to a filter record and that alters a presentation of the content stream in accordance with at least one user preference for altering the presentation when the comparison of the one or more announcements to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Altering the presentation includes one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

In other words, the controller of the present invention controls the operating state of the

presentation device based upon the description and the time in the announcement and based upon a comparison of the announcement with a filter record which includes at least one user preference for altering the presentation.

As explained in the present specification at, for example, page 7, lines 14-17 and page 11, line 8 through page 13, line 13, a viewer is able to control the operating state of a presentation device by providing preferences in a filter record which indicates a presentation type for content which corresponds with a matching announcement. In this manner, the viewer is able to control the presentation of the content. The present invention enables a viewer to set preferences in the filter record which filters the announcements to determine whether and how the presentation of the broadcast content is altered.

II. THE DOUBLE PATENTING REJECTION

The Examiner alleges that claims 1, 5-6, and 11-13 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-7 of the Kwoh et al. reference. Applicant submits that the claims of the patent do not teach the limitations of the present claims.

Specifically, the patent claims teach that the announcements must be created by a party other than the broadcaster of the one or more content streams. In contrast, the claims of the present application do not require that the announcements be created by a third party. Thus, the patent claims do not teach that the announcements do not have to be created by a third party.

Indeed, the Examiner admits "that claim 1 in the present application is broader in scope

than the Patent (sic) claim 1 of the present application does not specifically include nor exclude that 'the announcement be created by the third party.'"

Thus, by the Examiner's own admission, the Examiner has failed to present a *prima facie* case of obviousness by 1) failing to allege that the patented claims teach or suggest that the announcements do not have to be created by a third party; and 2) by failing to provide any motivation at all for modifying the patented claims to incorporate the broader claim scope of application claim 1.

Additionally, with respect to claims 18-30, the claims of the patent do not require that the announcements be provided on a first communication connection that is separate from a second communication connection that provides a content stream. Therefore, the patent claims do not teach or suggest that the announcements be provided on a first communication connection that is separate from a second communication connection that provides a content stream.

Similarly, again the Examiner admits that the patent claims do not teach or suggest the features of the application claims, thereby also failing to present a *prima facie* case for obviousness for claims 18-30.

Therefore, the claims of the patent clearly do not teach or suggest the limitations of the application claims.

Applicants respectfully request withdrawal of this rejection.

III. THE PRIOR ART REJECTIONS

A. The Logan et al. reference

Regarding the rejection of claims 1-7, 9-26, and 29, the Examiner alleges that the Logan et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by this reference.

None of the applied references teaches or suggests the features of the claimed invention including altering a presentation of a content stream as recited by the claimed invention by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

In stark contrast, as admitted by the Examiner, the Logan et al. reference only discloses modifying the content stream of programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast programming signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37).

The Logan et al. reference discloses a memory system 18 that stores a compressed video signal and a processor 34 that modifies the compressed programming signal to generate a

proprietary program signal which is stored in the memory system 18. (Col. 6, lines 16 - 21, col. 7, lines 56-64).

Figure 3 of the Logan et al. reference discloses a database memory 60 that stores topic data signals, which are representative of a user preferred topic, and/or priority codes that are used for "modifying the broadcast programming signal stored in the memory system" (Emphasis added, Col. 9, lines 13 - 17) and/or "reorder the segments of the stored broadcast programming signals" (Emphasis added, col. 9, lines 45-51).

After the broadcast program signals have been modified and stored, the memory 18 may then provide the broadcast program signals to the decompressor 30 which provides the signals to the video monitor 32 for presentation.

In other words, in stark contrast to the present invention, rather than altering the presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation, the Logan et al. reference discloses altering the content stream itself.

Therefore, contrary to the allegations of the Examiner the Logan et al. reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1-7, 9-26, and 29.

B. The Logan et al. reference in view of the Menard et al. reference

Regarding the rejection of claim 8, the Examiner alleges that the Menard et al. reference would have been combined with the Logan et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, the Logan et al. reference clearly does not teach or suggest altering a presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

The Menard et al. reference does not remedy the deficiencies of the Logan et al. reference.

Rather, the Menard et al. reference, like the Logan et al. reference, does not teach or suggest altering a presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation based upon a comparison of an announcement with a filter record which includes viewer presentation preferences as recited in

claim 1.

Clearly, these novel features are not taught or suggested by the Menard et al. reference. Indeed, the Menard et al. reference is completely unrelated to the claimed invention.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Logan et al. reference discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37). Therefore, the Logan et al. reference is concerned with editing the content of a broadcast programming signal.

In contrast, the Menard et al. reference is specifically directed to a system for monitoring broadcast signals to detect content which may be of interest to individual viewers (col. 1, lines 7-9) and specifically directed to automating that process (col. 1, lines 24-36). In particular, the Menard et al. reference discloses a system which stores a profile database and automatically compares the content being received with the profile database and alerting a viewer if a match is detected (col. 1, line 66 - col. 2, line 18).

Therefore, in stark contrast to the system disclosed by the Logan et al. reference which is directed to modifying programming, the Menard et al. reference is concerned only with

monitoring the programming to determine whether the content may be of interest. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner.

Indeed, the Examiner again fails to provide a *prima facie* case for obviousness by again failing to support the alleged combination by identifying a reason for combining the references.

While the Examiner alleges that one of ordinary skill in the art would have been motivated to combine "to reduce labor cost" that motivation is only applicable to automating the program monitoring as discussed in the Menard et al. reference and is not relevant at all to modifying programming as discussed in the Logan et al. reference.

Especially, since the system disclosed by the Logan et al. reference is already automated.

The Examiner's Response to Arguments does not contradict these facts.

Further, assuming for the sake of argument, that such a benefit of might have been of benefit to the system disclosed by the Logan et al. reference, there is absolutely no evidence that anyone actually did combine these references prior to the present invention in spite of those perceived benefits. Therefore, the alleged combination cannot have been obvious at the time of the invention because, if it were obvious, one of ordinary skill in the art would already have made the alleged combination.

Therefore, even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw

this rejection of claim 8.

C. The Logan et al. reference in view of the Fernandez et al. reference

Regarding another rejection of claim 8, the Examiner alleges that the Fernandez et al. reference would have been combined with the Logan et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, the Logan et al. reference clearly does not teach or suggest altering a presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

The Fernandez et al. reference does not remedy the deficiencies of the Logan et al. reference.

Rather, the Fernandez et al. reference, like the Logan et al. reference, does not teach or suggest altering a presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a

recording operation, and stopping a recording operation based upon a comparison of an announcement with a filter record which includes viewer presentation preferences as recited in claim 1.

Clearly, these novel features are not taught or suggested by the Fernandez et al. reference. Indeed, the Fernandez et al. reference is completely unrelated to the claimed invention.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Logan et al. reference discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37). Therefore, the Logan et al. reference is concerned with editing the content of a broadcast programming signal.

In contrast, the Fernandez et al. reference is specifically directed to the completely different and unrelated problems of remote surveillance and communications technology for monitoring and processing remote and/or local moveable objects. (Col. 1, lines 1 - 50).

One of ordinary skill in the art who was concerned with modifying programming based upon marking signals received from an editing station, as the Logan et al. reference is concerned, would not have referred to the Fernandez et al. reference, and vice-versa, because the Fernandez

et al. reference is directed to the completely different and unrelated problems of remote surveillance and communications technology for monitoring and processing remote and/or local moveable objects. Thus, these references would not have been combined

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner.

Indeed, the Examiner again fails to provide a *prima facie* case for obviousness by again failing to support the alleged combination by identifying a reason for combining the references.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify the system that is disclosed by the Logan et al. reference to incorporate a video image processor that queries by image content "in order to capture the data automatically thereby to lower cost and improve accuracy in image (object) monitoring."

The Logan et al. reference has absolutely nothing to do with object monitoring, as the Fernandez et al. reference is concerned, therefore, one or ordinary skill in the art would not have been motivated to modify the system disclosed by the Logan et al. reference to lower the cost of and improve object monitoring.

Moreover, even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claim 8.

D. The Logan et al. reference in view of the Birdwell et al. reference

Regarding the rejection of claims 27-28 and 30, the Examiner alleges that the Birdwell et al. reference would have been combined with the Logan et al. reference to form the claimed invention. Applicant again submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, the Logan et al. reference clearly does not teach or suggest altering a presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

The Birdwell et al. reference does not remedy the deficiencies of the Logan et al. reference.

Rather, the Birdwell et al. reference, like the Logan et al. reference, does not teach or suggest altering a presentation by one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

Indeed, the Examiner does not allege that the Birdwell et al. reference teaches or suggests

these features.

Clearly, these novel features are not taught or suggested by the Birdwell et al. reference.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 27-28 and 30.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-30, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: 12/5/05

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment After Final Rejection Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Son P. Huynh, Group Art Unit 2611 at fax number (571) 273-8300 this 5th day of December, 2005.

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